

CONSERVATION COMMISSION
REGULAR MEETING JUNE 15, 2010
E. CURTIS AMBLER ROOM

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotape on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Pappa called the roll call at 7:01 p.m. and noted Commissioners Block (arrived at 7:05 p.m.), Byer and Igielski were present. Also present was Alternate Zelek and Mr. Anthony Ferraro, Town Engineer.

NOTE: Chairman Pappa designated that Alternate Zelek would vote for Commissioner Shapiro.

ITEM III
ACCEPTANCE OF MINUTES

Regular Meeting of May 18, 2010

Commissioner Igielski noted the Commission could not act on the minutes tonight because there was not a quorum of members present who were present at the May 18th meeting.

It was the consensus of Commission members to carry the item over to the July meeting.

ITEM IV
PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

NOTE: Commissioner Block arrived at 7:05 p.m.

ITEM VA
Application 2010-03, 3066 Berlin Turnpike (Deming Street)

Mr. Alan Bongiovanni L.S., president of BGI, and the applicant entered the following remarks into record:

- A. He reviewed the location of the property.
- B. The parcel of land contains 7.9 acres.
- C. The project would contain a total of 26 units (22 duplexes and 4 single unit houses).

- D. A Map Amendment was approved for the property under Permit 2009-02 and it was entered into the record. He noted that all wetlands (shown on the Town Map) were removed from the property. Test borings showed that the substrata are composed of soil and sand.
- E. A watercourse on the property to the north flows along the property line from Deming Street in an east to west direction.
- F. The property to the west is all wetland.
- G. There is a wetland located on the east side of Deming Street that is located upstream of the property under review. Any (surface) runoff emanating from the property would be picked up by a (closed) conduit system (that connects into the Town of Newington closed conduit system in Deming Street).
- H. He (Mr. Bongiovanni) has been working on this project for about two (2) years. This product is considered to be a low impact development.

NOTE: AUDIO TAPE STARTS HER

Mr. Guy Hesketh P.E. of F.A. Hesketh & Associates, Inc. and drainage engineer for the project noted the storm water management plan is broken into four components and is summarized below:

- A. The coral colored area includes an under ground infiltration storage system with an over flow pipe that connects into the (Town's) storm water system in Deming Street.
- B. The green colored area in the center of the site carries clean surface run off (no pavement is involved) in a separate closed conduit system that includes a section of under ground infiltration that drains northerly and outlets into the watercourse.
- C. The yellow colored area is composed of two (2) separate closed conduit drainage systems that discharge their flows into a swale that flows northerly (along the westerly property line) to a water quality and detention basin (located at the northwest corner of the property).
- D. The (surface run off from the) gray colored area flows out into Deming Street and into a (closed conduit drainage) system that (carries the flow (northerly and westerly and) outlets into the watercourse.

Chairman Pappa asked if rain barrels were considered to collect roof water? Mr. Bongiovanni responded yes, but would not be used because they would freeze up and break in winter.

NOTE: His response included an explanation of several other options (listen to audio tape for details of his remarks).

Commissioner Block asked what is the permeability rate of the subsurface ground material? Mr. Hesketh responded about 20 feet per day per borings done by Mr. Clarence Welti which would translate into a permeability rate of about 5 to 10 minutes.

Commissioner Block asked why beehives were being used and would they be set at an elevation so that water would not back up into the building? Mr. Hesketh responded he prefers this type of structure where a small area of surface is involved and the structure would be set at an elevation to prevent flooding.

Mr. Hesketh reviewed the flow patterns and components of each drainage system for each of the four (4) sub watershed on site (listen to audio tape for details of his remarks).

Commissioner Block noted the swale system layout and unit density prohibits the use of the rear yards.

Mr. Bongiovanni responded that in planned unit development (condo type) rear yards are shallow in depth along with relative flat grades. Swales are kept to a minimum and an area can be graded to make it work.

Mr. Bongiovanni entered the following remarks into the record relative to the history of the property:

- A. The property has been used for a (golf) driving range.
- B. Only two (2) trees would be removed and many new trees would be planted as part of the new development (landscape plan).
- C. The site has been completely disturbed.
- D. This site represents a good opportunity for smart development.

Mr. Bongiovanni noted that the storm water management plan (plan) would remove approximately 90 percent (State requires 80 percent) of suspended solids. He (Mr. Bongiovanni) explained the provisions of the plan that would accomplish the 90 percent removal rate (listen to audio tape for details of his remarks).

Mr. Bongiovanni summarized the pre and post development flows below, where the watercourse passes at the northwest corner of the property:

	10 year storm event	100 year storm event
Pre-development flows	13.9 CFS	20 CFS
Post development flows	6.9 CFS	14 CFS

Commissioner Block noted that drainage rights would have to be acquired to discharge surface run off from the site into the existing watercourse.

Mr. Bongiovanni reviewed the proposed grading plan (comparing pre and post conditions) for the proposed plan of development (listen to audio tape for the details of his remarks)

Alternate Zelek asked where the limits of the 100 foot up land review limits would be measured from? Mr. Bongiovanni responded the northerly property line and the east side of Deming Street.

Commissioner Byer asked what is the distance from the watercourse to the buildings? Mr. Bongiovanni responded 60 feet to 70 feet.

Commissioner Igielski asked how many buildings would be in the (100 foot) up land review area? Mr. Bongiovanni responded five (5) buildings.

Alternate Zelek asked what would be placed in the backs (rear yard) of the buildings? Mr. Bongiovanni responded where feasible decks or paver (type) patios.

Mr. Ferraro asked why would bee hive units be used? Mr. Hesketh responded this type of unit is good for a small area and access is provided through a manhole.

Mr. Ferraro asked if the (under ground) tech units have an isolator row? Mr. Bongiovanni responded no. The isolator row is normally included in commercial areas where there is a lot of pavement.

Mr. Ferraro noted that the drainage easement should include the Town rights and a copy should be provided to the Town.

Mr. Bongiovanni responded that a copy of the easement would be provided to the Town.

TEM VI A

Application 2010-02 for 43 Willard Avenue

Commissioner Block noted that at last month's meeting, he had asked the garage to be removed out of the conservation easement that was established in 2004. Why do you need to intrude into an established (conservation) easement that you agreed to leave alone (in 2004)? Mr. Anthony Pina, the applicant, responded to make room for a fire truck to get to the back of the house.

Commissioner block noted the garage is 40 feet long. Why not reduce the length to 30 feet (which would take the structure out of the conservation easement) and you will have adequate room (for a fire truck) to get to the back of the house? Mr. Pina responded that he needed the storage room.

Commissioner Block said a 30 foot long garage would provide adequate storage. He noted that he could not support the application.

Mr. Pina noted that there would only be a small intrusion into the easement area.

Alternate Zelek asked what would be stored in the garage? Mr. Pina responded a pick up truck and anything with fumes.

Chairman Pappa noted the original easement does allow the property owner to come back to the Commission for a permit to conduct a (regulated) activity.

Commissioner Block noted that the Commission set a policy several years ago to preserve the regulated area per an executed agreement. How would the Commission address other situations where a similar request could arise with other parcels of land (subject to a conservation easement)?

Chairman Pappa noted the request is a hard one to address and can be only addressed by breaking the agreement (easement). The applicant is coming to us seeking a project to permit the work. He would support the request (application).

Mr. Ferraro noted that the encroachment would occur within the 100 foot upland review area.

Commissioner block noted that per Section 10.2b of the Regulations, it is required to see if there is a “feasible and prudent alternative” to the proposal before the Commission.

Commissioner Block noted that Section 11.3 of the Regulations requires the applicant to provide reasons why the Commission should allow the encroachment.

Alternate Zelek noted the applicant, when another design is found to be functional, is responsible show the Commission why it should allow him to build his proposal.

NOTE: There was a general discussion reviewing the remarks by Commission members and where applicable, the responses provided by the applicant. Refer to audio tape for the details of the discussion.

Mr. Ferraro noted that the 65 day time frame to act on the application would expire prior to the July meeting. The applicant would have to provide the Commission with 35 day extension of time.

Commissioner Igielski said the request should be submitted in writing.

Mr. Pina said that he would grant the request and follow it up in writing.

Motion made by Commissioner Block to carry the item over to the July meeting and was seconded by Alternate Zelek. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS: NONE

Commissioner Igielski noted that with Commissioner Block present, the Commission could act on the minutes for the May 18, 2010 minutes.

Motion made by Commissioner Igielski to return to ITEM VIII on the agenda and was seconded by Alternate Zelek. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

Commissioner Igielski noted on the top of Page 2, ITEM VA should read “Application 2010-02, for 43 (49) Willard Avenue”.

Motion made by Commission Igielski to accept the minutes as corrected and was seconded by Commissioner Block. There was no discussion. Vote was 4 yes, 0 no, 1 abstention (Zelek) and the motion was carried.

Motion made by Alternate Block to adjourn meeting at 8:36 p.m. and was seconded by Commissioner Igielski. There was no discussion. Vote was 5 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members

Tayna Lane, Town Clerk

Town Manager John Salamone

Edmund Meehan, Town Planner

Councilor Myra Cohen

Chairperson, Town Plan and Zoning Commission

Anthony Ferraro, Town Engineer

Ben Ancona Jr., Esquire, Town Attorney

Lucy Robbins Wells Library (2)